

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

JOHN TRESLEY,

Plaintiff,

v.

Civil Action 2:17-cv-1074
Chief Judge Edmund A. Sargus, Jr.
Magistrate Judge Chelsey M. Vascura

BILFINGER WESTCOM INC./
BLUE SPRUCE, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiffs filed the Complaint in this matter on December 12, 2017, against one named defendant and five John Doe defendants. (ECF No. 1.) As of March 20, 2018, the named defendant had waived service and filed its answer, but Plaintiff had not moved to amend the Complaint to substitute in the real names for the John Doe defendants nor effected service upon the John Does as required by Federal Rule of Civil Procedure 4(m). Accordingly, on March 20, this Court issued an order directing Plaintiff to show why the Court should not dismiss the John Doe defendants and why the Court should allow an extension of time to effect service.

To date, Plaintiff has not responded to the Show Cause Order, sought leave to amend the Complaint, or effected service on the John Doe defendants. It is therefore **RECOMMENDED** that this action be **DISMISSED WITHOUT PREJUDICE** against the John Doe defendants pursuant to Rule 4(m) for failure to timely effect service of process.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

/s/ *Chelsey M. Vascura*
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE